(3)

(1)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

Single Bench

CIVIL REVISION NO. 92 /2006

APPLICANTS

1. Budh Ram, son of Shri Dhan Sai Gond, aged about 65 years, occupation – agriculture,

2. Halsaro, wife of Budhram, aged about 45 years, occupation – agriculture,

3. Khirodhan, son of Late Dhaneshwar, aged about 13 years (Minor), through – natural guardian (i.e. the Revisioiner No.1)

All are resident of village Chindia, P.S. Ramanuj Nagar, Tah. Surajpur, Distt. Surguja (C.G.)

P.R. No. 17 90/06
Presented by Shri Ghanshyam Singh
dated 9.7.06

V E R S U S

NON-APPLICANT None

CIVIL REVISION UNDER SECTION 115 OF THE CIVIL PROCEDURE CODE, 1908

(19)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R.No. 92/..... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.7.2006

Shri Omprakash Yadav, counsel for the applicants.

Arguments heard.

Order passed as follows:

ORAL ORDER

This revision is directed against the order dated 05.4.2006 passed in Miscellaneous Civil Case relating to M.A.C.C.No.22/2004 decided by the second Addl. Motor Accident Claims Tribunal [Fast Track Court, Surajpur, Distt. Sarguja, (CG)].

A perusal of the record would show that some amount was awarded in favour of the applicants in claim case (M.A.C.C.No.22/2004) and by order of the tribunal a sum of Rs.39,476/- has been deposited in fixed deposit on the name of applicant no.1. Likewise Rs.39,476/- has been deposited in fixed deposit on the name of applicant no.2 and a sum of Rs.1 lakh has been deposited on the name of applicant no.3 who is a minor.

It appears that after depositing the aforesaid amount in the above fixed deposits, an application was filed by these applicants for disbursement of a sum of Rs.1 lakh on account of their personal necessities i.e., for construction of a new house and also for construction of a well. The application was supported by an affidavit. The tribunal after considering this application, dismissed the same vide impugned order holding the

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

application to be not bona-fide. It is against this order the applicants have filed this civil revision.

Learned counsel for the applicants submits that the impugned order passed by the tribunal is not in accordance with law. He further submits that the amount deposited with the Bank is in fact the amount of applicants and in their personal interests, the required amount should be disbursed to them.

I have considered the arguments advanced by learned counsel for the applicants.

So far as the amount deposited on the name of minor is concerned, I may say that the tribunal has rightly rejected the prayer for making payment from his amount also. The amount has been deposited in the interest of the minors and that should not be disbursed to anybody-else in the ends of justice.

So far as the amount of other applicants are concerned who are father and mother of the deceased, for this, the tribunal should have made an enquiry into the grounds raised by them for disbursement of the amount and the view taken by the tribunal that since the final award does not contain any such direction the tribunal cannot consider this point, does not appear to be reasonable.

In the result, the impugned order passed by the tribunal so far as it relates to applicant no. 1 and 2 is set aside.

P.T.O.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The matter is remanded back to the tribunal to conduct an enquiry on the point of actual requirement of the applicants no.1 & 2 only.

The tribunal, after conducting enquiry, shall pass necessary orders regarding disbursement of the amount of applicants no.1 & 2 only. There shall be no orders in relation to disbursement of fixed deposit amount of applicant no.3, minor.

The revision is allowed in part to the extent indicated above. The records of M.J.C. be sent back forthwith.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

P.T.O.